

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Eric Hamilton, et al. § Attorney Docket No. 41403.36  
§  
Serial No.: 10/574,159 § Customer No. 27683  
§  
Filed: January 16, 2007 § Group Art Unit: 2621  
§  
For: METHOD AND APPARATUS § Examiner: Hee-Yong Kim  
FOR CODING INFORMATION §  
§ Confirmation No.: 7751

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby certify that this correspondence (including any listed enclosures) is being electronically filed in the United States Patent and Trademark Office via the EFS-Web system on August 11, 2010.

  
Jan Cleveland

**RESPONSE TO OFFICE ACTION**

This Response is submitted in reply to the Office Action mailed on July 12, 2010.  
(Please see the pages that follow).

**REMARKS**

The undersigned acknowledges receipt by the undersigned's law firm of the Office Action mailed in this application on July 12, 2010. Please note the following.

A Request for Withdrawal as Attorney was previously filed in this application on February 17, 2010. Thereafter, on March 29, 2010, PTO Paralegal Specialist Tredelle Jackson issued a Decision indicating that the request to withdraw was not approved. The Decision stated that:

. . . the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71 who has properly intervened.

**However, this statement is not correct.** More specifically, and contrary to the assertion in the Decision, the Assignee of the entire interest under §3.71 did in fact properly intervene in this application before issuance of the Decision. **In more detail, a new Power of Attorney was previously filed in this application on February 22, 2008, was executed by the Assignee of the entire interest under §3.71, and included a proper statement under 37 C.F.R. §3.73(b) that established the right of the Assignee to take action in this application.** The Request for Withdrawal made a proper request that the correspondence address be changed to the address of the Assignee of the entire interest under §3.71, who had previously properly intervened in this application by submitting a proper statement under §3.73(b). The assertions to the contrary in the Decision are without merit.

The last sentence of the Decision indicated that inquiries regarding the Decision should be directed by telephone to PTO Paralegal Specialist Tredelle Jackson. Following receipt of the Decision, attempts were made to reach Specialist Jackson by telephone, without success. A voice-mail message was then left for Specialist Jackson, explaining the error in the Decision, and

requesting a return telephone call. But to date, Specialist Jackson has not called the undersigned. Moreover, as of today, the PTO's PAIR system does not show that Specialist Jackson has issued any document intended to correct the PTO error in the Decision mailed on March 29, 2010.

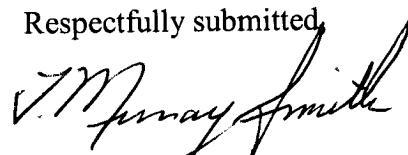
For some time, the undersigned's law firm has not been able to reach the current owner of this application (i.e. the Assignee of record), either by telephone, electronic mail, U.S. mail, courier, etc. This problem is reflected in the reasons for withdrawal that are set forth in the Request for Withdrawal. Consequently, although the undersigned's law firm has received the Office Action mailed on July 12, 2010, the law firm has no way to place the Office Action in the hands of the current owner of this application, and has no way to obtain instructions from the current owner regarding how to respond to the Office Action. Consequently, there is no way that the undersigned's law firm can provide a response on the merits to the July 12 Office Action.

As explained above, a proper Request for Withdrawal has already been submitted, and the PTO Decision denying the Request gives a reason that is without merit and that apparently involves a PTO error. Although it is believed that the original Request for Withdrawal was entirely proper and was erroneously denied, as a courtesy the undersigned is submitting herewith a second Request for Withdrawal that is equivalent to the original Request, in order to again request that withdrawal of the undersigned's law firm be approved.

Date: August 11, 2010

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Respectfully submitted,



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Enclosures: None

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